

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11009REK

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|------------------|---|
| HARVEY MARLIN | * |
| | * |
| | * |
| v. | * |
| | * |
| DANVERS DEMOULAS | * |
| MARKET BASKET | * |

PLAINTIFF'S ASSENTED TO MOTION TO STRIKE AND SUBSTITUTE

Now comes the plaintiff in the above referenced matter and respectfully moves this Honorable Court for leave to strike the name of "Danvers DeMoulas Market Basket" wherever it may appear and substitute therefore DeMoulas Supermarkets, Inc.

As grounds therefore plaintiff states that he was recently informed via discovery responses about a misnomer of the named defendant. The purpose of this pleading is to properly name the defendant.

Dated: April 4, 2006

The Plaintiff, Harvey Marlin,
By his attorney,
Joseph G. Abromovitz, P.C.

s/Joseph G. Abromovitz

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Assented to:

s/Crisann Leal

Crisann Leal, Esquire
Curtin, Murphy & O'Reilly, P.C.
55 Summer Street, 10th Floor
Boston, MA 02110

CERTIFICATE OF SERVICE

I, Joseph G. Abromovitz, hereby certify that on the 4th day of April, 2006, I served a copy of this document by first class mail, postage prepaid to the following counsel of record:

Crisann Leal, Esquire
Timothy J. Hlavac, Esquire
Curtin, Murphy & O'Reilly, P.C.
55 Summer Street, 10th Floor
Boston, MA 02110

s/Joseph G. Abromovitz

Joseph G. Abromovitz